

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

MARC GROCCIA,)	
)	
Plaintiff,)	
)	
v.)	CIVIL ACTION No.
)	14-12705-NMG
UMASS CORRECTIONAL HEALTH CARE,)	
et al.,)	
)	
Defendants.)	

ORDER

GORTON, J.

In 2013, Marc Groccia filed a joint complaint as part of a multi-plaintiff civil rights action and, in 2014, the individual prisoner claims were severed into separate cases. The instant action was initiated on June 27, 2014.

On November 14, 2014, the clerk issued summonses for service of the following 11 defendants: (1) UMass Correctional Health Care; (2) Massachusetts Department of Correction; (3) Luis Spencer, Commissioner of Correction; (4) Thomas Groblewski; (5) Rebecca Lubelczyk; (6) Lawrence Weiner; (7) Maureen Atkins, Health Services Administrator; (8) Herbert Dungo; (9) Linda Booth; (10) Gary Roden, Superintendent; and (11) Cynthia Sumner. Id.

At that time, Plaintiff was advised that his claims against the following 7 defendants would be dismissed unless he demonstrates good cause in writing why his claims against these defendants should not be dismissed: (1) UMass Medical School, (2)

Commonwealth of Massachusetts, (3) Governor Deval Patrick, (4) Ellen Kurtz, (5) Dyana Nickl, (6) Catherine Burke, and (7) Dr. King.

Plaintiff attempted to serve defendants Dungo, Groblewski and Booth, but the summonses were returned as unexecuted. See Docket Nos. 18, 28, 40. Dispositive motions were filed by defendants Maureen Atkins, Rebecca Lubelczyk, Massachusetts Department of Correction, Luis Spencer, Lawrence Weiner, Gary Roden, Cynthia Sumner, and UMass Correctional Health Care. See Docket Nos. 26, 31, 42. As to the remaining defendants, the record reflects that plaintiff failed to show good cause why the claims against these defendants should not be dismissed. See Docket.

By Order dated September 29, 2015, the court allowed the dispositive motions filed by defendants Maureen Atkins, Rebecca Lubelczyk, Massachusetts Department of Correction, Luis Spencer, Lawrence Weiner, Gary Roden, Cynthia Sumner, and UMass Correctional Health Care. See Docket No. 65.

Accordingly, it is hereby ORDERED that:

- (1) Plaintiff's claims against defendants Dungo, Groblewski and Booth are dismissed without prejudice for lack of prosecution.
- (2) Plaintiff's claims against defendants UMass Medical School, Commonwealth of Massachusetts, Governor Deval Patrick, Ellen Kurtz, Dyana Nickl, Catherine Burke and Dr. King are dismissed for the reasons previously set forth in the November 13, 2014 Memorandum and Order.

- (3) The Clerk shall enter a final order of dismissal and shall close this action on the cm/ecf docket.

So ordered.

/s/ Nathaniel M. Gorton
Nathaniel M. Gorton
United States District Judge

Dated: January 7, 2016